

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In Re:

JAMES D. REEDY

Debtor(s)

Case No. 1:15-bk-22169

Chapter 13

Honorable Deborah L. Thorne

**NOTICE OF MOTION**

To: Marilyn O. Marshall, Chapter 13 Trustee (via Electronic Case Filing)  
*Attached Service List* (via United States First Class Mail)

PLEASE TAKE NOTICE that on January 30, 2019 at 9:30 a.m., the undersigned will appear before the Honorable Deborah L. Thorne at the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Courtroom 613, Chicago, Illinois and will then and there present **MOTION TO AUTHORIZE RELEASE OF INSURANCE PROCEEDS** at which time you may appear, if you so choose.

**CERTIFICATE OF SERVICE**

I, Joseph S. Davidson, certify that I caused a copy of this notice and motion to be served, via electronic case filing to Marilyn O. Marshall, Chapter 13 Trustee and via United States First Class Mail to all parties listed on the attached service list, on January 16, 2019 before the hour of 5:00 p.m. from the office located at 2500 South Highland Avenue, Suite 200, Lombard, Illinois 60148.

/s/ Joseph Scott Davidson

Joseph Scott Davidson  
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**MOTION TO AUTHORIZE RELEASE OF INSURANCE PROCEEDS**

NOW COMES, JAMES D. REEDY (the "Debtor"), by and through her attorneys, SULAIMAN LAW GROUP, LTD., moves this Court to enter an order authorizing release of insurance proceeds. In support thereof, Debtor states as follows:

1. On June 26, 2015, Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code.
2. On July 20, 2015, an Order Confirming Plan was entered.
3. Debtor's confirmed plan provides, in pertinent part:

**Section E. *Disbursements by the trustee***

3.1. *Other secured claims secured by value in collateral.* All secured claims, other than mortgage claims treated above and claims treated in Paragraph 3.2, are to be paid in full during the plan term, with interest at an annual percentage rate and in the fixed monthly amounts specified below regardless of contrary proofs of claim (subject to reduction with the consent of the creditor):

- (a) Creditor: Capital One Auto Finance

Collateral: 2010 Nissan Sentra

Amount of secured claim: \$4,854.00 APR 4.5% Fixed monthly payment: \$90.49; Total estimated payments, including interest, on the claim: \$5,429.40.

4. On September 17, 2018, Debtor's 2010 Nissan Sentra was involved in an accident and was determined to be a total loss.

5. As of December 3, 2018, the current loan payoff amount on Debtor's automobile loan is \$1,771.92.

6. Debtor's 2010 Nissan Sentra is insured through State Farm Mutual Automobile Insurance Company, who has authorized settlement of \$4,367.73. *See Exhibit A.*

7. State Farm Mutual Automobile Insurance Company is seeking to transfer \$1,771.92 to Capital One Auto Finance.

8. Accordingly, Debtor seeks court approval to have State Farm Mutual Automobile Insurance Company transfer \$1,771.91 to Capital One Auto Finance to pay off Debtor's loan.

9. The net proceeds, after payment of the Capital One Auto Finance loan shall be paid to the Trustee in addition to the plan payments and shall not alter or reduce the periodic payments due under the plan, nor shall the duration of the plan be shortened, except to the extent such net sale proceeds would result in payment in full to all creditors and administrative costs.

WHEREFORE, the Debtor respectfully requests the following:

- A. an order authorizing State Farm Mutual Automobile Insurance Company to transfer insurance proceeds to Capital One Auto Finance to pay off Debtor's automobile loan; and
- B. such other relief as this Court deems just and proper.

Dated this 16<sup>th</sup> day of January, 2019

Respectfully submitted,

/s/ Joseph S. Davidson

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